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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Marisela Alcala,

Respondent

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A.Q. Docket No. 07-0006

Consent Decision

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. § 8301 et seq.)(the Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulations promulgated thereunder (9 C.F.R. § 94.1 et seq.). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, the respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

The respondent waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondent in connection with this proceeding.

Findings of Fact

1. Marisela Alcala, hereinafter referred to as the respondent, is an individual with a mailing address of 601 Barro Road SE, Albuquerque, New Mexico 87105.
2. On or about June 17, 2003, approximately 239.2 pounds of bologna, which contained pork and pork products, were imported into the United States from Mexico, where classical swine fever is known to exist, without a certificate issued by an official of the Government of Mexico being presented to an authorized inspector at the port of entry.

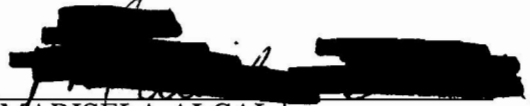
Conclusions

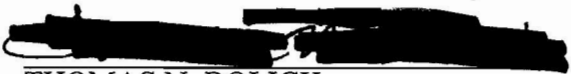
The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

The respondent, Marisela Alcala, is assessed a civil penalty of five hundred dollars (\$500.00). The respondent shall send a certified check or money order for one hundred dollars (\$100.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding. The respondent shall pay the remaining four hundred dollars (\$400.00) in four installments of one hundred dollars (\$100.00) each. The first installment shall be due not later April 1, 2007; the second installment shall be due not later than May 1, 2007; the third installment shall be due not later than June 1, 2007; and the fourth and final installment shall be due not later than July 1, 2007. Each installment shall be paid by a certified check or money order made payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order should include the docket number of this proceeding.


This Order shall become effective when served on the respondent.


MARISELA ALCALA
Respondent


THOMAS N. BOLICK
Attorney for Complainant

1-27-07

Issued this 7th day of February 2007
at Washington, D.C.


Administrative Law Judge
PETER M. DAVENPORT

1-27-07